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Title: Kentucky tobacco farmers keeping tabs on immigration debate

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Lead:

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For years, Shelby County tobacco farmer Paul Hornback has advertised locally for hired hands. The results are always the same - not a single offer to help tend to his burley crop.

To get his tobacco planted and harvested, Hornback relies on migrant laborers obtained through the federal H2A agricultural labor program.

Like other Kentucky leaf growers, Hornback is keeping close tabs on the immigration debate unfolding in Congress.

Migrant labor makes up about three-quarters of the tobacco work force in Kentucky - the nation's leading burley producer, said Joe Cain, director of national affairs for Kentucky Farm Bureau.

Hornback said the availability of labor is a big concern in the burley belt, where tobacco is still cut and put in barns by hand for curing.

"If Congress fails to make some type of usable guest worker program in their legislation and places heavy penalties on employers, then it makes it almost impossible to get workers," Hornback said recently.

The Senate version features a new guest worker program and a chance for citizenship for illegal immigrants as well as heightened border security. By contrast, legislation passed last year by the House focuses on border security, has no guest worker program and would expose illegal immigrants to felony charges.

The Senate passed its version of the legislation Thursday on a 62-36 vote, clearing the way for arduous summertime compromise talks with the House on its version that focuses on border enforcement - with no guarantee of success.

Tobacco grower Rod Kuegel said the House approach "seems ludicrous."

"They can build a brick wall on that border if they want to and they're not going to solve the problem like that," he said by phone.

Kuegel said that focusing on border security doesn't get to the main causes behind the influx of illegal immigrants - the availability of unfilled jobs in the U.S. and the desire of people on the other side of the border to come across for greater opportunities.

"As long as there's work, nobody to do it and somebody comes up and is willing, then those people are going to get together somehow," he said.

Kuegel, who is raising 100 acres of tobacco in Daviess County in western Kentucky, said he wouldn't have a crop without migrant workers he gets through the H2A temporary guest worker program.

Still, Kuegel would like to see changes to the program as part of any final immigration bill. He said he would like to get a credit for his costs for transporting his migrant workers from Mexico to Kentucky. He also would like to see changes to the wage formula.

Kentucky Farm Bureau also favors the Senate version because it includes a guest worker program, Cain said. He said the group also supports changes to the H2A program that he said is now expensive and cumbersome for participating farmers.

Amid the spring planting, some tobacco growers waited two weeks or longer than usual for H2A workers to arrive, he said.

Cain said the Kentucky Farm Bureau hopes congressional negotiators replace the current wage formula with a prevailing wage standard that he said would more accurately reflect the jobs being performed. The current formula is based on wages in the overall agricultural sector, he said, which can set artificially high wages for field work.

Kuegel and Hornback said they pay their H2A workers \$8.24 an hour and cover housing, utilities and transportation costs for the field hands.

Marc Grossman, spokesman for the United Farm Workers of America, said such a formula change would result in field hands "working for a lot less money."

The Rev. Patrick Delahanty, associate director of the Catholic Conference of Kentucky, said any guest worker program emerging from Congress should offer migrating laborers the same rights as American workers - a fair wage and decent benefits.

Without such guarantees, "the next thing we're going to hear is these people ... are driving the wages down" for American workers, he said.

Grossman said the bill considered by the Senate would change the H2A program to make it easier for farmers to get workers. He said that giving many of the illegal immigrants in the country an eventual chance at U.S. citizenship, as proposed in the Senate version, would give farmers a big pool of potential workers. But farmers will compete with other employers offering similar or better pay and less strenuous work, Grossman said.

"They'll have that problem, no matter whether we solve immigration reform," he said

Thursday by telephone.

Cain said the number of Kentucky farmers using illegal immigrants "has the potential to be a significant number." Migrant workers also toil in Kentucky's equine and vegetable sectors.

Kuegel said he won't deal with undocumented workers: "It's an unsure work force. You could have 10 acres of tobacco on the ground one day and not have anybody show up the next day. It's just too volatile."

There are farmers who take that chance, he said. They include growers who can't afford the H2A program and can't find local help.

"If somebody comes to your farm and you need help for three weeks and they said 'you got any work,' you're not going to say 'Let me see your driver's license and Social Security card,'" Kuegel said. "They're going to say, 'Let's get the job done and then we'll worry about that.'"

Kuegel has nine migrant workers now and will have 13 by harvest in late summer. Many return every year to toil in his fields.

"These guys give me everything they've got every minute we're working," he said.

Kuegel said it's a mutually beneficial arrangement.

For years, one of his regular field workers was a dentist in Mexico, but he made as much in a day cutting tobacco than he did in a week treating patients back home, Kuegel said.

Kuegel's family would go to Mexico about every other Christmas season to visit with the field worker and his family. During his first trip, the field worker had a dirt floor and an easy chair in his dentist office, Kuegel said. Two years ago, he had tile floors and two used dentist chairs, paid for by money he earned tending tobacco in Kentucky, he said.

"They want the same thing we want," Kuegel said. "They want a good life, they want a comfortable life and they want to be able to provide for their family and give them some things that they didn't have."

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